

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

CHARLOTTE D. MOSLEY

PLAINTIFF

V.

NO. 3:05CV00133-JTR

JO ANNE B. BARNHART,  
Commissioner, Social  
Security Administration

DEFENDANT

**ORDER**

Pending before the Court is Defendant's Unopposed Motion to Reverse and Remand (docket entry #13), pursuant to sentence four of 42 U.S.C. § 405(g):

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a hearing.

The Commissioner seeks remand to conduct further administrative proceedings, including a new hearing, and a new decision, which will address the issue of disability without applying Sixth Circuit Acquiescence Rulings, and which applies appropriate law (docket entry #13). Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-1011 (8<sup>th</sup> Cir. 2000).

IT IS THEREFORE ORDERED that Defendant's Unopposed Motion to Reverse and Remand is GRANTED. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal Access to Justice Act.

DATED this 18<sup>th</sup> day of May, 2006.

  
UNITED STATES MAGISTRATE JUDGE